

HOUSE BILL 2994
By Maddox

AN ACT to amend Tennessee Code Annotated, Title 47, Chapter 25, relative to certain sales at flea markets.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 25, is amended by adding Sections 2 through 7 of this act as a new part 16.

SECTION 2. No person, except an authorized manufacturer's or distributor's representative who carries written proof of that authorization for public retail sales, shall sell, offer for sale, or knowingly permit the sale at any flea market any of the following items:

- (1) Food manufactured and packaged for sale for consumption by a child under the age of two (2) years;
- (2) Drugs and cosmetics, as defined in Section 53-1-102;
- (3) Medical services, as defined in Section 68-1-904; and
- (4) Any product which has an expiration date.

SECTION 3. In this part, "manufacturer's or distributor's representative" means a person who carries written proof, available for public inspection, that such person is authorized by the manufacturer or distributor for the public retail sale of those products which are offered for sale. Such credentials shall include the seller's name and may include a date upon which such authorization shall expire.

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SECTION 4. In this part, "flea market" means any location other than a permanent retail store at which space is rented or otherwise made available to others for the conduct of business as transient or limited vendors. Transient or limited vendors shall not include those persons who sell by sample, catalog or brochure for future delivery, or those persons who make sales presentations pursuant to a prior invitation issued by the owner or the legal occupant of the premises.

SECTION 5. The presenting of credentials pursuant to the requirements of this part which are false, fraudulent, forged, fraudulently obtained or the nature of which is misrepresented shall also be considered a prohibited act punishable as provided in Section 6.

SECTION 6. Any person who violates the provision of this part is guilty of a class C misdemeanor punished by a fine only of up to one hundred dollars (\$100.00) for each violation.

SECTION 7. The law enforcement agency investigating any violation of this part shall maintain a record of such violation available for public inspection.

SECTION 8. This act shall take effect July 1, 1998, the public welfare requiring it.